

**UNITED STATES DISTRICT COURT  
DISTRICT COURT OF MINNESOTA**

IN RE PORK ANTITRUST  
LITIGATION,

This Document Relates To:

THE DIRECT PURCHASER  
PLAINTIFF ACTION

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Case No. 0:18-cv-01776 (JRT-HB)

**DECLARATION OF ERIC  
SCHACHTER IN SUPPORT OF  
MOTION FOR PRELIMINARY  
APPROVAL OF THE CLASS  
ACTION SETTLEMENT  
BETWEEN DIRECT  
PURCHASER PLAINTIFFS AND  
JBS**

I, Eric Schachter, declare and state as follows:

1. I am a Vice President with A.B. Data, Ltd. (“A.B. Data”). A.B. Data has been selected by Direct Purchaser Plaintiffs as the Settlement Administrator<sup>1</sup> in this case after a competitive bidding process. I am fully familiar with the facts contained herein based upon my personal knowledge, and if called as a witness, could and would testify competently thereto.

2. In consultation with Interim Co-Lead Counsel, I have prepared a proposed settlement notice and administration plan for this litigation. This Declaration will describe the proposed notice plan and how it will meet the requirements of Rule 23 of the Federal Rules of Civil Procedure and provide due process to the potential members of the Settlement Class. This Declaration is based upon my personal knowledge and upon information provided to me by Interim Co-Lead Counsel, my associates, and A.B. Data staff members.

3. I have implemented and coordinated some of the largest and most complex class action notice and administration plans in the country. The scope of my work includes notification, claims processing, and distribution plans in all types of class actions, including but not limited to consumer, antitrust, securities, ERISA, insurance, and government agency settlements.

4. A.B. Data has also been appointed as notice, claims, and/or settlement administrator in hundreds of high-volume consumer, antitrust, civil rights, insurance, ERISA, securities, and wage and hour class action cases. A profile of A.B. Data’s background and capabilities, including representative case and client lists, is included as **Exhibit A**.

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<sup>1</sup> Unless otherwise noted, all capitalized terms shall have the same meaning as in the Settlement Agreement between Direct Purchaser Plaintiffs and JBS.

5. The objective of the proposed notice plan is to provide the best practicable notice under the circumstances of the proposed settlement to potential members of the Settlement Class. The Settlement Class is defined as follows:

All persons who purchased Pork directly from any of the Defendants or any co-conspirator, or their respective subsidiaries or affiliates for use or delivery in the United States from at least as early as January 1, 2009 until the date of the order granting Preliminary Approval of the Settlement Agreement. Specifically excluded from the Settlement Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded from this Settlement Class are any federal, state, or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, and any juror assigned to this action.

#### **NOTICE PLAN**

6. The proposed notice plan includes direct notice by mail and/or email to the members of the Settlement Class. I understand that Defendants will produce contact information for all known, potential members of the Settlement Class who can be identified through reasonable effort, to allow A.B. Data to send direct mail and email notice to members of the Settlement Class. To supplement this direct notice and reach the potential members of the Settlement Class who may not receive direct notice, A.B. Data will implement a print and digital media campaign as discussed below.

7. Direct notice will be provided via a Long-Form Notice, attached as **Exhibit B**, that will be mailed to all Settlement Class Members with a known mailing address and posted on a case-specific website that A.B. Data will build and maintain. An Email Notice, attached as **Exhibit C**, will be sent to all Settlement Class Members with a known email address.

8. The Long-Form Notice and Email Notice sent directly to potential members of the Settlement Class will include summary information concerning the Settlement Agreement, including: that this is a class action; the Settlement Class definition in plain and engaging language (“If you purchased any Pork product directly from a Pork producer for use or delivery in the United States from January 1, 2009 through [the date of Preliminary Approval], a class action settlement may affect your rights.”); that the Action alleges antitrust violations and price-fixing claims; that a member of the Settlement Class may appear through an attorney if the member wants; that members of the Settlement Class can be excluded from the Settlement Class or object to the Settlement if they so choose; the time and manner for requesting exclusion or submitting an objection; and the binding effect of a judgment on the Settlement Class. The Email Notice will also include a hyperlink to the case website on which A.B. Data will post the more detailed Long-Form Notice and additional important documents and information.

9. For the Email Notice, A.B. Data implements certain best practices to increase deliverability and bypass SPAM and junk filters, and we will be able to verify how many emails were successfully delivered. For the mailed Long-Form Notice, A.B. Data will track any mail returned as undeliverable by the United States Postal Service (USPS), and using third-party information providers to which we subscribe, attempt to ascertain an updated address and resend the Long-Form Notice accordingly.

10. To supplement the direct notice efforts, A.B. Data will publish a Publication Notice, attached as **Exhibit D**, one time in *Food Logistics*, a trade journal targeting supply chain executives and food industry professionals. A.B. Data will also implement a thirty-day digital media banner ad campaign on foodlogistics.com. Sample banner ads are attached as **Exhibit E**.

### **WEBSITE AND TELEPHONE**

11. To assist potential members of the Settlement Class in understanding the terms of the Settlement Agreement and their rights, A.B. Data will establish a case-specific toll-free telephone number and a case-specific website.

12. The toll-free telephone number will be equipped with an automated interactive voice response system in both English and Spanish. The automated interactive voice response system will present callers with a series of choices to hear prerecorded information concerning the Settlement Agreement. If callers need further help, they will have an option to speak with a live operator during business hours.

13. The case-specific website will provide, among other things, a summary of the case, all relevant documents including the Settlement Agreement and Preliminary Approval Order, important dates, and any pertinent updates concerning the litigation or the Settlement approval process.

### **EXCLUSION PROCESSING**

14. The notices provide that members of the Settlement Class may request exclusion by sending a written, mailed request to the Settlement Administrator. A.B. Data will promptly circulate to the parties copies of all such requests and a report that tracks each request and whether the required information was included.

### **CONCLUSION**

15. It is my opinion, based on my individual expertise and experience and that of my A.B. Data colleagues, that the proposed notice plan is designed to effectively reach potential members of the Settlement Class, will deliver plain language notices that will capture the attention of the reader, and will provide relevant information in an informative and easy to understand manner that is necessary to effectively understand the rights and options under the terms of the Settlement Agreement. This proposed notice plan conforms to the standards employed by A.B. Data in notification plans designed to reach potential class members of settlement groups or classes that are national in scope and reach narrowly

defined entities and demographic targets. For all these reasons, in my opinion, the proposed notice plan satisfies the requirements of Rule 23 and due process.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 1<sup>st</sup> day of December 2020 in Milwaukee, Wisconsin.

A handwritten signature in black ink, appearing to read 'Eric Schachter', is written over a horizontal line.

Eric Schachter